

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10893 OF 2019

SHRI BHADRA MARUTI SANSTHAN
VERSUS
KASHINATH GANGARAM BARGAL

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Advocate for Petitioner : Shri Shingare K.F.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: November 11, 2019

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PER COURT :-

1. The petitioner / Trust is aggrieved by the order dated 24.4.2019, delivered by the learned Assistant Charity Commissioner-1, Aurangabad vide which, application Exhibit 47 in the Enquiry Proceedings, has been rejected.

2. The Trust had moved Exhibit 47 seeking a direction to send the signatures of the objector Shri Kashinath Gangaram Bargal, appearing on the original resignation letter Exhibit 23 and the vakalatnama Exhibit 18, to a hand-writing expert.

3. The learned counsel for the petitioner has strenuously criticized the impugned order. He has canvassed each of the six

grounds formulated in the memo of the petition and has drawn my attention to the resignation letter, the examination-in-chief and the cross-examination of Shri Bargal and it is contended that he has never signed on Exhibit 23, which is a resignation letter.

4. I find from Exhibit 23 that the said witness had resigned from the position of Chairman of the Trust in view of his failing health. He is more than 84 years of age and he resigned as he could not cope up with the workload. The resignation is dated 3.9.2016. Thereafter, a new Chairman was elected. The concerned Bank, in which the Trust held an account, was also informed and the signature of the new Chairman was accepted as being the official signature for transacting the Trust's banking business. In the cross-examination, Shri Bargal has stated that he was the President of the Trust from 1985 till 3.9.2016 and the bank account of the Trust is now being operated by the new Chairman from the said date. It is then stated that his signature was taken on a blank paper and that was transformed into a resignation letter. However, he then denied the signature appearing on Exhibit 23 and the authority below has found that this was a self serving stand taken by Shri Bargal.

5. Considering the above and keeping in view the admission given in the cross-examination, I do not find that the reasoned order

passed by the authority below could be termed as being perverse or erroneous. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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